

COPY OF TRANSCRIPT

50-H HEARING

RUTIGLIANO, JAMES

BLA#: 2007PI013210

015-220

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In the Matter of the Claim of

JAMES RUTIGLIANO,

-against-

THE CITY OF NEW YORK.

----- x

44 Wall Street
New York, New York

May 24, 2007
1:37 p.m.

EXAMINATION of **JAMES RUTIGLIANO**, held at
the above time and place, pursuant to Notice,
taken before Jennifer Rivera Yip, RPR, a
shorthand reporter and Notary Public within and
for the State of New York.

LEX #61731



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A p p e a r a n c e s :

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New York, New York 10005
BY: MARY CORRIGAN, ESQ.

J A M E S R U T I G L I A N O, the witness
herein, having first been duly sworn by
a Notary Public of the State of New
York, was examined and testified as
follows:

EXAMINATION BY

MS. CORRIGAN:

Q State your name for the record,
please.

A James Rutigliano.

Q State your address for the record,
please.

A 206 Avenue A, Apartment 3B, New
York, New York, 10009.

Q Good afternoon, Mr. Rutigliano, my
name is Mary Corrigan, and I'm going to ask
you some questions about this incident. If
there's anything you don't understand, please
let me know, and I'll rephrase it.

For how long have you lived at the
address that you just gave?

A Twenty-six years.

Q And who do you live with?

A I live alone.

J. Rutigliano

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Q What is your date of birth?
A 7/25/58.
Q And your Social Security number?
A [REDACTED].

Q Are you currently employed?
A Yes.

Q What do you do?
A I'm a house painter, I'm

self-employed.

Q And is your business address the
same as your home address?

A Yes.

Q And how long have you been in that
business?

A Around fifteen years.

Q Do you recall the date of this
incident?

A March 15, 2007.

Q What time did it occur?

A I would say roughly six or 6:30
p.m.

Q Where did it happen?

A The arrest was on 14th Street
between First Avenue and Avenue A.

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Q Immediately prior to the arrest,
what were you doing?

A Immediately prior to the arrest I
was walking home after having left a
supermarket.

Q What supermarket had you been at?

A Associated, which is also on 14th
Street between First Avenue and Avenue A.

Q Did you purchase any items at the
Associated store?

A Yes.

Q What did you buy?

A Well, let's see, I believe I
bought ravioli and a bottle of soda.

Q And how far from the Associated
was it where the arrest occurred?

A Right across the street.

Q Where were you intending to go
when you left the Associated store?

A I was walking home.

Q And what was the route you were
going to take in order to get home?

A Walking from 14th Street and
Avenue A to 13th Street and Avenue A, which is

1 J. Rutigliano 6

2 where I live, between 12th and 13th Streets.

3 Q Did there come a time after you
4 left the Associated that you crossed 14th
5 Street?

6 A Yes, at Avenue A.

7 Q And what was the reason you
8 crossed that street?

9 A To go home.

10 Q And when you crossed that street,
11 did something happen at that location?

12 A Something happened on 14th Street
13 and Avenue A.

14 Q And what was it that happened?

15 A I was attacked by a woman on the
16 street.

17 Q Did you know this woman?

18 A No.

19 Q Had you ever seen this woman
20 before?

21 A No.

22 Q How much time passed from the time
23 you left the Associated store until the attack
24 occurred?

25 A Two minutes.

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Q Can you describe the woman?

A Young-ish, maybe late
twenties/early thirties, brown hair. Other
than that, no.

Q And where was this woman when you
first saw her?

A When she attacked me.

Q Prior to her attacking you, did
she say anything to you?

A I stepped on her foot, she said.

Q Do you recall if you had stepped
on --

A I had in fact stepped on the back
of her foot as she walked in front of me, yes,
unintentionally.

Q Prior to accidentally stepping on
her foot, had she been walking in front of you
for some time?

A Behind me, she was behind me for
some time.

Q Did there come a time that she
then came in front of you?

A Yes.

Q And is that when you accidentally

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stepped on her foot?

A Yes.

Q And when that happened, did you say anything to her?

A Yes.

Q What did you say?

A In response to her saying I stepped on her foot, I attempted to explain, "You stepped right in front of me." I would then have said, "I'm sorry, it was an accident."

Q And did she say anything to you?

A No.

Q Did she do anything then?

A She slapped me in the head.

Q And after she slapped you in the head, what, if anything, did you do?

A Then she came at me and I pushed her away.

Q When you pushed her away, did she fall?

A No, she came at me again.

Q Did she strike you at that time?

A She was continually striking me,

J. Rutigliano

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yes.

Q Was she striking you with an object or her hands?

A Her fists.

Q Was that both fists, one fist?

A I can't recall.

Q And while she was doing that, what, if anything, did you do?

A I wrestled with her, I threw her down on the ground, I held her fists, one in each of my hands, and she was on her knees, I yelled to her to stop, I yelled repeatedly stop, she got up, though I was holding her fists, she tried to kick me between the legs, which I blocked with my leg, she was screaming for me to let her go, so I let her go, she then punched me one more time in the head.

Q And after that time, did she remain there or did she leave?

A No, she remained.

Q And did you remain --

A I backed up, and then I was surrounded by about five men on the street.

Q Can you describe these men?

1 J. Rutigliano 10

2 A I don't think so. Generally I can
3 tell you that they were probably all in their
4 mid-twenties to mid-thirties.

5 Q Black, white, Hispanic?

6 A Three or four were white, one was
7 black.

8 Q And did these men say anything to
9 you?

10 A Yes.

11 Q What did they say?

12 A They accused me of beating a
13 woman, they threatened to beat me up, they
14 cursed at me, they surrounded me, and they
15 threatened me with the police, threatened to
16 call the police.

17 Q Did they physically touch you?

18 A No.

19 Q Where was this woman during this?

20 A At the curb where I left her.

21 Q Did the police arrive?

22 A No, not immediately.

23 Q How long after they threatened to
24 call the police did you continue to remain
25 there?

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A For a minute. I told them she
attacked me.

Q And what did they say?

A They continued to call me
whatever, accused me of beating her up, they
told me to shut up, they didn't want to hear
what I had to say.

Q To your knowledge, did any of
those men eventually call the police?

A At that point I don't know, I did
not see anyone call the police. I was aware
of them threatening me at that point, that was
my main concern.

Q And how much longer did you remain
at the scene?

A About a minute.

Q And then did you leave the scene?

A Yes, I did.

Q And how did you leave?

A I ran.

Q And where did you run to?

A To 14th Street between First
Avenue and Avenue A, the spot where the arrest
took place, at which point I stopped.

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Q And the location that you ran to, was that in front of the Associated, across the street?

A Across the street.

Q And what distance was that that you ran?

A Half a block.

Q And when you got to that location, what happened?

A I stopped, because I thought it was ridiculous for me to run, I thought the police should be involved.

Q And did you call the police?

A I did not. When I stopped, two of the men had run after me, one of them was on the phone with the police.

Q And was he on a cell phone?

A He had a cell phone and he had called.

Q Did you have any further conversation with any of those men at that time?

A No.

Q What did you do then?

1 J. Rutigliano 13

2 A I waited for the police.

3 Q And how long did that take,
4 approximately, for them to come?

5 A Two or three minutes.

6 Q Do you know where the woman was at
7 that time?

8 A I think back at the original spot
9 where she assaulted me.

10 Q Had you ever seen any of these men
11 in the area before?

12 A Not that I can remember, no.

13 Q Have you ever seen any of them
14 since?

15 A No.

16 Q What about the woman, have you
17 seen her since?

18 A No.

19 Q What was the lighting like at that
20 time of day?

21 A Well lit day, bright.

22 Q What were the weather conditions
23 like?

24 A Clear, as far as I remember.

25 Q Do you remember if it was warm,

J. Rutigliano

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2 cold?

3 A A little chilly; I wore a jacket.

4 Q The woman that you described, was
5 she black, white, Hispanic?

6 A White.

7 Q When the police arrived, was it
8 one police car, more than one police car?

9 A Three, as I remember; one van, two
10 cars, as I remember.

11 Q And when the police arrived, did
12 you have any conversation with them?

13 A They refused to talk to me. I
14 attempted to talk to an officer, he told me to
15 get away from him.

16 Q Did they indicate why?

17 A They wanted to talk to the guy who
18 called the police.

19 Q And to your knowledge, did they
20 speak with that person?

21 A Yes.

22 Q Were you present --

23 A I did not listen to their
24 conversation, I could not hear it.

25 Q Following their conversation with

1 J. Rutigliano 15

2 that individual, did you have the opportunity
3 to speak with the police then?

4 A No.

5 Q After they spoke with the
6 individual who had called them, what, if
7 anything, did the police do then?

8 A They made me put my hands against
9 the wall.

10 Q And did they tell you you were
11 under arrest?

12 A Yes.

13 Q Did they tell you why you were
14 under arrest?

15 A Excuse me, excuse me.
16 Immediately, no, they did not; they frisked
17 me, they made sure my legs were spread out
18 further.

19 Q Did they remove any items from
20 your person at that time?

21 A My person being my body or
22 including the bag?

23 Q Your body.

24 A No.

25 Q At that time, when the police

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arrived, did you have the bag of items you
bought from Associated?

A No.

Q Where was that?

A I left it at the original scene.

Q Did you have any other items with
you when you went into Associated?

A I had a bag, a black shoulder bag.

Q And what was in that bag?

A Personal items, such as an empty
water bottle, sunglasses, books, and
medication.

Q And what type of medication was in
there?

A Lexapro, an antidepressant.

Q And was that a prescription
medication?

A Yes.

Q Did you receive that from a
doctor?

A My doctor had given me samples of
Lexapro.

Q And who was your doctor who gave
you the samples?

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2 A What is his name?

3 Q Yes.

4 A William Weiss.

5 Q What type of doctor is he?

6 A A psychiatrist.

7 Q Do you know his address?

8 A 1100 Park Avenue.

9 Q And for how long had you been his

10 patient?

11 A Two years.

12 Q And for how long had you been

13 taking Lexapro?

14 A That amount of time.

15 Q You said that there were samples

16 in your bag; about how many samples were

17 there?

18 A Sixteen boxes of seven pills.

19 Q And how many pills did you

20 normally take a day?

21 A Two.

22 Q Had you taken that medication

23 earlier that day?

24 A In the morning.

25 Q And at the time of this incident,

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2 were you taking any other medications on a
3 regular basis?

4 A No.

5 Q Had you consumed any alcoholic
6 beverages or any drugs twenty-four hours
7 prior?

8 A No.

9 Q And why was it that Dr. Weiss gave
10 you these sixteen boxes of seven pills?

11 A The prescriptions are expensive,
12 he knows I could use the help, he gives me
13 free medication.

14 Q And has he been doing that for the
15 last two years?

16 A Since I began to see him, yes.

17 Q And when was it that he gave you
18 those boxes of medication?

19 A That evening, prior to my going
20 home.

21 Q How often do you see him?

22 A Once every six months I have an
23 appointment; and whenever I run out of
24 medication once every two or three months.

25 Q I'm sorry, you said when you run

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out of medication?

A In order to get medication, say every three months.

Q And after the police asked you to put your hands against the wall and you say they frisked you, did they then look in your shoulder bag?

A Yes.

Q And did they take anything out of your shoulder bag?

A The medication.

Q Did they take anything else, to your knowledge?

A No.

Q And when they took it out, do you know where they put it?

A No.

Q Was that ever returned to you?

A No.

Q And after they asked you to put your hands against the wall, did they then place handcuffs on your wrists?

A Yes.

Q And where did they take you then?

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A Put me in a car, and then we went to PSA4.

Q Do you know where that's located?

A Avenue C, roughly I'll say 7th Street, I'm not exactly sure.

Q Is that a precinct, to your knowledge?

A It's a housing precinct that is, as I understand it, part of the 9th Precinct.

Q And when you got there, were you fingerprinted?

A Yes.

Q And photographed?

A Yes.

Q And did they tell you what was the reason that you were arrested at that time?

A Yes.

Q And what was that?

A Possession of a controlled substance.

Q Prior to leaving the area where you were arrested, do you know if any other people that were involved in this incident were also arrested?

1 J. Rutigliano 21

2 A No.

3 Q Did you tell the officers what had
4 happened before they arrived?

5 A Yes.

6 Q And to your knowledge, did they
7 ask any questions of the woman?

8 A Yes.

9 Q Were you present or did you
10 overhear any conversation?

11 A I heard the police talking to each
12 other.

13 Q And what did you hear them say?

14 A She doesn't want to press charges.

15 Q Did you request to press charges
16 against her?

17 A No.

18 Q Did you at any other time press
19 charges against her?

20 A No.

21 Q Before this incident, did you ever
22 have any dealings with these police officers
23 before?

24 A No.

25 Q Have you ever been convicted of a

J. Rutigliano

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crime?

A No.

Q How long did you remain at the
PSA4?

A Four hours.

Q The pills that your doctor gave
you, on the box do they indicate his name, or
a prescription number, or anything on it?

A No.

Q Following the four hours that you
remained at the precinct, where did you go
after that?

A 100 Centre Street.

Q And how long were you there?

A Almost a full day.

Q Did there come a time when you
appeared before a judge?

A Yes.

Q Do you remember the name of the
judge?

A No.

Q At that time, were the charges
against you read to you, did they read the
charges to you?

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2 A Yes.

3 Q And what were they?

4 A As I said, possession of a
5 controlled substance.

6 Q And did you plead at that time,
7 guilty or not guilty?

8 A The case was dismissed in ninety
9 seconds.

10 Q By the judge himself or herself?

11 A Herself, yes.

12 Q Did she indicate why she was
13 dismissing the charges?

14 A Yes.

15 Q What was that?

16 A My doctor had called and said that
17 the drugs were given to me by him as a
18 prescription. Case closed.

19 Q Had you contacted your doctor
20 while you were being held?

21 A Yes, I left him a message.

22 Q When you appeared before the
23 judge, were you given an attorney?

24 A Yes.

25 Q Was it a legal aid attorney?

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A Yes.

Q Do you know the name of the person?

A Ms. Samuels.

Q When the judge dismissed the charges, did they give you any kind of document saying all charges are dismissed, something to that effect?

A Not at that time.

Q Did you receive something to that effect later?

A I went down and got something later, yes.

Q Do you have that with you?

A I don't think so, no (indicating).

Q Were you physically injured in any way as a result of this incident?

A No.

Q Were you emotionally or psychologically injured?

A Yes.

Q In what way?

A I don't know how to describe it.

Q As best as you can, how it's

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affected you.

A It's very upsetting, it's hard to live in my neighborhood.

Q And why is it hard to live in your neighborhood?

A Because I feel like I'm a criminal, and everyone -- I'm a little paranoid about living there because I don't know who saw, I don't know who recognizes me.

Q At the time that this occurred, other than the men that you described that were there and the woman, were there any other people standing in the area that saw this happen?

A Yes.

Q Do you know any of their names?

A No.

Q Tell me in what other ways this has affected you.

A I don't trust the police.

Q Has it affected your depression in any way?

A A little.

Q Do you still take the same amount

J. Rutigliano

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of Lexapro at this time?

A Yes.

Q Has your doctor had to prescribe anything else following -- any different types of medications following this incident?

A No.

Q Do you still continue to see Dr. Weiss?

A Yes.

Q Have you had to see any other mental health professionals, psychologists, psychiatrists, therapists, in connection with this?

A Yes.

Q Who?

A Judith Young.

Q And when did you start seeing Ms. Young?

A Many years ago.

Q Is she a therapist?

A A therapist, psychotherapist.

Q Do you know about how long you've been seeing her?

A Twenty years.

J. Rutigliano

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Q Is she in Manhattan?

A Yes.

Q Do you know what street?

A Yes, East 75th Street.

Q Before the incident, how often
would you see Ms. Young?

A Lately? On average over twenty
years?

Q Before this incident happened, did
you see her on a weekly basis or a monthly
basis?

A Monthly.

Q And at the present time, do you
still see her monthly, or do you see her more
often, or less often?

A More often.

Q Any other mental health
professionals that you had to see?

A No.

Q Did you lose any time from work as
a result of this incident?

A Yes.

Q How much time?

A One day.

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Q Did you lose income as a result of that?

A Yes.

Q About how much?

A \$200.

Q Did you ever file any complaints with the Civilian Complaint Review Board following this incident?

A No.

Q Or make any complaints to Internal Affairs in the Police Department?

A No.

Q Do you know if there was any press coverage regarding this case, anything on TV or in the newspaper?

A No.

MS. CORRIGAN: I have no further questions. Thank you.

MR. BAXTER: Thank you.

(Continued on next page to accommodate jurat.)

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THE WITNESS: Thank you.

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(Whereupon, the examination of
James Rutigliano was concluded at
2:07 p.m.)

JAMES RUTIGLIANO

Subscribed and sworn to
before me this _____ day
of _____, 2007.

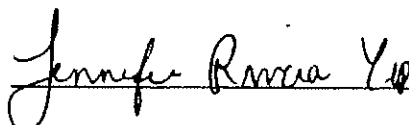
NOTARY PUBLIC

C E R T I F I C A T E

I, JENNIFER RIVERA YIP, RPR, a
shorthand reporter and Notary Public
within and for the State of New York,
do hereby certify:

That the witness(es) whose
testimony is herein before set forth
was duly sworn by me, and the foregoing
transcript is a true record of the
testimony given by such witness(es).

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.


JENNIFER RIVERA YIP